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C O N F I D E N T I A L SECTION 01 OF 03 KABUL 001428

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DEPT FOR SA/FO, S/CT, SA/A
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SUBJECT: PARLIAMENT OPPOSES RAHMAN RELEASE

REF: KABUL 1380

Classified By: CHARGE D'AFFAIRES RICHARD NORLAND FOR REASONS 1.4 (B) AND (D)

¶1. (C) SUMMARY. Afghanistan's lower house of Parliament, the Wolesi Jirga, pointedly criticized the GOA handling of the Abdul Rahman case during several hours of debate on March 129. Most criticism focused on the perception that the Karzai government caved to foreign pressure, bypassing correct judicial procedure and the Afghan Constitution, when it released Abdul Rahman from jail. The Wolesi Jirga voted to have two committees - Justice and Government Affairs - investigate the case further, perhaps calling in the Minister of Justice and Attorney General to testify. END SUMMARY.

Conservatives in Parliament Speak Out Against Rahman Release

¶2. (C) The morning debate in Parliament shifted from the scheduled agenda of the Cabinet and structure of the government to the Rahman case at the behest of several conservative members of Parliament (led by former HIG commander Najibullah Kabuli from Kabul) and continued for several hours. Speaker Qanooni had the Wolesi Jirga (WJ) vote to close debate after Sayyaf and Rabbani spoke. Emotions were high during the debate, but not out of control.

Around ten women MPs walked out during the debate in protest of some religious comments, but otherwise the debate was well-attended.

¶3. (C) As summarized by Qanooni at the end of debate, the speakers agreed on four general points:

-- Rahman violated the law when he converted to Christianity.

Most MPs began their speeches with a defense of Islamic principles and a reiteration that conversion is against Islam and therefore against the Afghan constitution. One MP

(Mawlawi Shahzada Shahed from Kunar) argued, "Foreigners should not be allowed to misinterpret and misuse the idea of religious freedom," stating that religious freedom means the right of Muslims to be Muslim, Christians to be Christian, Jews to be Jewish, etc. but not to change religion. Several noted that they had fought thirty years of war for their religion and that would become meaningless if they did not defend it now. Virtually all MPs who spoke equated religious law and the Afghan Constitution - only one (Shukria Barakzai from Kabul) mentioned that the Constitution also includes provisions for the protection of human rights.

-- Rahman should be prevented from leaving Afghanistan.

Several MPs noted that European countries had offered asylum to Rahman and Parliament wanted to block that action.

(COMMENT: Parliament is likely to be more critical of the government, and may seek his return, when news leaks that Rahman has already left. END COMMENT.)

-- Rahman should be rearrested pending further investigation of the case.

The primary concern of members of Parliament was that the Constitution and law had been violated when Rahman was released. All speakers agreed that proper judicial procedure had not been followed (as a result of foreign pressure) and that the only proper solution was to have Rahman rearrested.

-- The Wolesi Jirga should investigate the case further through committee hearings.

While the above points reflect the general tone of debate,

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this final point is the only one that was formally voted upon. Several committees, including Religious Affairs and Education and International Relations (Sayyaf's committee), were interested in conducting further investigation into this matter, but the WJ voted to have only two committees review the case - Justice, which oversees the courts and Ministry of Justice and is chaired by religious scholar Alemi Balkhi, and the Legal Oversight Committee (equivalent to the Government Affairs Committees in the US Congress), which is chaired by former communist Kabir Ranjbar. When debate adjourned for lunch, MPs commented that it was likely that one or both committees would call in the Minister of Justice, Attorney General, and perhaps members of the Supreme Court, for questioning. The Committees were asked to report on their findings at the next session of Parliament (on Saturday, April 1).

Foreign Pressure Criticized

¶4. (C) The debate was overall very critical of what was perceived as foreign intervention in Afghanistan's internal affairs. The comments of Alemi Balkhi (the Chair of the Justice Committee) were representative: he stated that this is a clear issue - it is not about whether Rahman is crazy or not, it is that he was released because of foreign pressure. He stated specifically that President Bush, Secretary Rice, Germany and Italy are interfering in Afghanistan's internal affairs. Interestingly, Alemi Balkhi noted that he did not believe that prosecuting Rahman would put aid to Afghanistan at risk, because foreign nations were here to defend their own national interest and trade. MPs also seized the moment to criticize France for not allowing girls to wear the hejab (veil) at school. Only one MP (Khalid Pashtoon from Kandahar, a US citizen) stated, after agreeing that the case was handled incorrectly, that it would be foolish to sacrifice the benefits Afghanistan receives for the sake of one individual.

¶5. (C) Comments ranged from the extreme to the comic: one MP stated that the release of Rahman was against the Constitution and Afghan law and that "if this is democracy, I

do not accept it," and that "we don't need aid if they will take our religion from us," while another stated that not just Rahman, but the prosecutor and judge in the case, should undergo examinations for mental fitness. But overall, the comments seemed to reflect a desire for more respect from the international community. For example, Mawlawi Din Mohammad Azimi from Ghor stated that this case shows that Afghanistan is not an independent country; that if it were a true Islamic Republic (as its official title states), then the courts would not have released Rahman. He concluded by stating that he wants foreign countries to know that Afghanistan takes religion seriously.

¶6. (C) While Karzai himself was not mentioned, the most critical statements were directed toward his government's actions. As former Minister of Commerce Sayed Mustafa Kazemi put it, "we are not talking about religion, but about a mistake made by the government." Debate concluded with comments by Sayyaf and Rabbani. Sayyaf appeared to make an attempt at being conciliatory. He stated that religious law is clear on this matter: that no one can force anyone to be Muslim or any other religion, but if you are Muslim you cannot convert. But he went on to say that this case is not about Rahman, but that it is part of a larger conspiracy by people interested in having Afghanistan in conflict with the rest of the international community. Rabbani's arguments were more conventional, stating that no country should act against religion, and prescribed further investigation of the case.

Comment

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¶7. (C) While the sentiments opposing the GOA handling of the case are genuine (one MP noted that he had gotten hundreds of calls from constituents saying that Rahman should be hanged), the timing and nature of the debate were very political. Qanooni let conservatives speak out against the government for most of the morning, while women and other members (such as Qayyum Karzai, the President's brother) complained that they were not given a chance to speak. Qanooni also did not put his summary of debate to a vote by the entire body, making it difficult to determine whether these views represent the entire body or just those speaking. While Qanooni may not have asked for this issue to come up during debate, he did take advantage of it to allow critics of Karzai full rein to speak. The fact that the matter was handed over to the judicial and government oversight committees indicates that while religion is important in Parliament, ultimately the political matters at hand are the WJ's primary concern.

¶8. (C) The Rahman case will come up again in the Wolesi Jirga, but is not likely to overwhelm the Parliamentary calendar. After discussing Rahman, the WJ moved calmly and completely to debate on the Cabinet and the structure of the government, which is likely to remain the Parliament's main focus over the next month. However, it is within the realm of possibility that Karzai's handling of the Rahman case will impact on the list of Supreme Court nominees. Judges suspected of pro-Western leanings or seen as not fully supportive of Islamic Sharia law may find themselves subject to harsh scrutiny. END COMMENT.

NORLAND